

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.109 of 2004**

DATE OF DECISION: February 14, 2007

DAMYANTI DEVI

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: NONE FOR THE PETITIONER.

MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. DEEPAK JINDAL, AAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner was working as JBT Teacher in Government Primary School, Harijan Basti, Palwal, District Faridabad. She retired on superannuation on 30.11.1998, after attaining the age of 58 years. On 9.5.2003, the petitioner suffered a fracture and got her initially treated at General Hospital, Palwal. However, as there was no Orthopaedic Surgeon in the General Hospital at Palwal hence, she was taken to Aastha Hospital, Palwal. There she remained admitted upto 20.5.2003. But despite that she could not get the required relief. The petitioner was, thereafter, taken to Holy Family Hospital, New Delhi where she remained admitted upto 25.5.2003 and was discharged from that hospital on 26.5.2003. In the entire treatment, the petitioner spent a sum of Rs.38361/- and submitted the bills to the Government of Haryana for reimbursement.

The bills sent by the petitioner were returned to her as being not

payable as the petitioner had got her treated from an un-approved hospital. It has been claimed that the petitioner is entitled to reimbursement at the rates applicable to AIIMS or PGI. Reliance has been placed on the judgements in Som Nath Kapur vs. State of Haryana reported as RSJ 1996 (4) 646 and Surjit Singh vs. State of Punjab and others reported as RSJ 1996(1) 845, Kirloskar Brothers Ltd. vs. Employees State Insurance Corporation, reported as 1996(2) SCC 682, State of Punjab and others vs. Mohinder Singh Chawla etc., reported as AIR 1997 SC 1225, Amina Kundu vs. State of Haryana and others reported 2001(2) RSJ 143, Renu Saigal vs. State of Haryana, reported as 1998(4) RSJ 557, in support of her case.

Reply has been filed on behalf of the respondents wherein it has been averred that as the petitioner has not availed the medical facility from a Government Hospital or an approved hospital on the list of Government of Haryana, therefore, she is not entitled to any reimbursement.

A perusal of the aforementioned facts clearly shows that the petitioner suffered a fracture and had to be treated in various hospitals. Initially, treatment at General Hospital, Palwal was of no avail to the petitioner as there was no recognized Orthopaedic Surgeon in that hospital. Ultimately, she had got her treated from a private hospital at Palwal as also from Holy Family Hospital, New Delhi. In Amina Kundu' case (supra) it has been held that even if a person gets treated from a non-recognized or unapproved hospital still a Government servant is entitled to reimbursement at the rates of AIIMS rates. The case of the petitioner is squarely covered by the decision rendered in Amina Kundu' case (supra).

Counsel for the State submits that he has also received a communication from the Director Elementary Education, Haryana,

Chandigarh on 12.12.2005, whereby they have agreed to reimburse the petitioner at the rates prescribed by the AIIMS Delhi/PGI Chandigarh.

In view of the above, I allow the writ petition and direct the respondents to reimburse the medical bills of the petitioner. In case the medical bills of the petitioner has not been reimbursed, then the same be reimbursed within a period of 3 months from the date of receipt of certified copy of this order. The petitioner shall be reimbursed at the rates of AIIMS, Delhi/PGI Chandigarh.

February 14, 2007
Gulati

(ASHUTOSH MOHUNTA)
JUDGE